Tentative Rulings for October 28, 2026
Department 502

For any matter where an oral argument is requested and any party to the hearing desires a remote appearance, the remote appearance will be conducted through Zoom. Please provide the department's clerk a correct email address. (CRC 3.672, Fresno Sup.C. Local Rule 1.1.19.)

There are no tentative rulings for the following cases. The hearing will go forward on these matters. If a person is under a court order to appear, he/she must do so. Otherwise, parties should appear unless they have notified the court that they will submit the matter without an appearance. (See California Rules of Court, rule 3.1304(c).) ***The above rule also applies to cases listed in this "must appear" section.***

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

23CECG04281 ***Central Valley Fallen Heroes v. Lieb*** **is continued to Wednesday, December 16, 2026, at 3:30 p.m. in Department 502.**

25CECG01161 ***Foster Poultry Farms, LLC v. Pridestaff, Inc.*** **is continued to Wednesday, December 9, 2026, at 3:30 p.m. in Department 502.**

25CECG02452 ***Johnson v. Kirk*** **is continued to Wednesday, December 16, 2026, at 3:30 p.m. in Department 502.**

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Tentative Ruling

Re: ***Reyes Hernandez v. Westside AG, II Inc.***
Superior Court Case No. 24CECG03610

Hearing Date: October 28, 2026 (Dept. 502)

Motion: By Plaintiff for Sanctions

Tentative Ruling:

The matter is stayed as to defendant Navtej Gill. (Cal. Rules of Court, rule 3.650.) The status conference remains on calendar.

If oral argument is timely requested, it will be entertained on Thursday, October 29, 2026, at 3:30 p.m. in Department 502.

Explanation:

On October 15, 2026, defendant Navtej Gill filed a Notice of Stay of Proceedings. The Notice indicates the case is stayed as to Gill resulting from an automatic stay caused by a filing in another court. The motion for sanctions is as to defendants Westside AG II, Inc., Sran Family Orchards, Inc., Diamond West Farming Company, Inc., Sran Brothers Farming, Inc., Juan Flores, Navtej Gill, Sukhwinder Sran, Navdep Sran, and their counsel, jointly and severally. In light of the stay as to defendant Gill, the court will not be making orders at this time regarding sanctions in which Gill is included.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling
Issued By: lmg on 10-26-26.
(Judge's initials) (Date)

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Tentative Ruling

Re: ***Sidhu v. DiCiccio Freeman Orthodontics, LP***
Superior Court Case No. 23CECG00220

Hearing Date: October 28, 2026 (Dept. 502)

Motion: by Defendant for Summary Judgement, or Alternatively Summary Adjudication

Tentative Ruling:

To deny the motion for summary judgment and the alternative request for summary adjudication of issues 1 through 9.

If oral argument is timely requested, it will be entertained on Thursday, October 29, 2026, at 3:30 p.m. in Department 502.

Explanation:

Defendant DiCiccio Freeman Orthodontics, LP moves for summary judgment of Plaintiff's complaint alleging causes of action rooted in discrimination and retaliation in violation of the Fair Employment and Housing Act ("FEHA"), California Government Code section 12940, *et seq*. Defendant alternatively moves for summary adjudication of each plaintiff's eight causes of action and her claim for punitive damages.

The ultimate burden of persuasion on summary judgment/adjudication rests on the moving party. The initial burden of production is on defendant to show, by a preponderance of the evidence, that it is more likely than not that there is no triable issue of material fact. (*Aguilar v. Atlantic Richfield* (2001) 25 Cal.4th 826, 850.) In determining whether any triable issues of material fact exist, the court must strictly construe the moving papers and liberally construe the declarations of the party opposing summary judgment. Any doubts as to whether a triable issue of material fact exist are to be resolved in favor of the party opposing summary judgment. (*Barber v. Marina Sailing, Inc*. (1995) 36 Cal.App.4th 558, 562.)

Only if the moving party meets this initial burden does it shift to the opposing party, who is then subject to its own burden of production to make a *prima facie* showing that a triable issue of material fact exists. (*Aguilar v. Atlantic Richfield Co., supra,* 25 Cal.4th at p. 850.) A *prima facie* showing is one that is sufficient to support the position of the party in question. "No more is called for." (*Id.* at p. 851.) If the moving party fails to meet its burden of production, the opposing party has no evidentiary burden to even oppose the motion. (See *Consumer Cause, Inc. v. SmileCare* (2001) 91 Cal.App.4th 454, 468 ["There is no obligation on the opposing party ... to establish anything by affidavit unless and until the moving party has by affidavit stated facts establishing *every element* ... necessary to sustain a judgment in his favor" (emphasis in original; internal quotes omitted).].)

Special rules govern allocation of the burden of proof on motions for summary judgment in employment discrimination cases, under both federal and state law, and state courts follow the approach taken by federal courts in these cases. The test uses a system of shifting burdens. (*Guz v. Bechtel Nat'l, Inc.* (2000) 24 Cal.4th 317, 354-355.) It is intended to sharpen the inquiry into the factual question of intentional discrimination.

The initial burden rests with the employer as the moving party to show that no unlawful discrimination occurred. (Code Civ. Proc. § 437c, subd. (p)(2); see *Guz v. Bechtel Nat'l, Inc., supra*, 24 Cal.4th 317; *University of So. Calif. v. Sup.Ct. (Miller)* (1990) 222 Cal.App.3d 1028, 1036.) It does this first by showing that the employee's action has no merit. (Code Civ. Proc., § 437c, subd. (p)(2).) It may do so by evidence that either: 1) negates an essential element of the employee's claim; or 2) shows some "legitimate, nondiscriminatory reason" for the action taken against the employee. (*See Caldwell v. Paramount Unified School Dist.* (1995) 41 Cal.App.4th 189, 202–203.)

If the employer meets this initial burden, to avoid summary judgment the employee must produce "substantial responsive evidence that the employer's showing was untrue or pretextual" ... thereby raising at least *an inference of discrimination.* (*Hersant v. California Dept. of Social Services* (1997) 57 Cal.App.4th 997, 1004-1005 (internal quotes omitted); *University of So. Calif. v. Sup.Ct.* (*Miller*) (1990) 222 Cal.App.3d 1028, 1036.)

Plaintiff worked as the Director of Operations for defendant from July 2019 until her termination December 9, 2021. (UMF Nos. 2, 21.) Defendant moves for summary judgment on the basis that plaintiff was terminated for legitimate, non-retaliatory, non-discriminatory reasons based on complaints of other employees that plaintiff created a toxic/hostile work environment and was aggressive and threatening to other employees. (UMF Nos. 4-7.) Defendant attempted to address the issues with plaintiff's performance, including hiring management consultants but plaintiff's performance as a manager did not improve. (UMF Nos. 8, 10.) In November 2021 one such consultant prepared surveys for the staff to evaluate the management team which included plaintiff. (UMF No. 10.) Defendant was advised by other members of the management team that "serious issues in the office crated [sic] by plaintiff were not getting better" and that employees had threatened to quit and had quit as a result of plaintiff's behavior, management style, and creation of a hostile work environment. (UMF No. 12, 22.) The results of the consultant's survey revealed that almost all employees reported very negative things about plaintiff. (UMF No. 19.) As a result of plaintiff's performance issues, the survey results, and concerns raised by the other members of the management team, plaintiff was terminated. (UMF No. 26.) Defendant further asserts plaintiff's termination was not due to any claimed disability and that plaintiff never requested the need for accommodation. (UMF No. 27.)

Plaintiff objects to the declarations of Drs. DiCiccio and Freeman attesting to the complaints received, concerns of the management team members, and survey results as hearsay. (Obj. Nos. 1-4, 6, 8, 13-19.) The court intends to overrule the hearsay objections as offered for the state of mind of the declarant rather than the truth of the employee complaints.

The court finds defendant has met its burden in moving for summary judgment on the basis that plaintiff was terminated for a legitimate, non-discriminatory reason. The

burden is now shifted to plaintiff to raise a dispute of material fact or introduce additional material facts that the showing is untrue or pretextual.

Plaintiff attempts to dispute many of the facts regarding complaints having been made regarding her by arguing she was never informed of the complaints during her employment, that defendant had a progressive discipline policy, and that she received letters of recommendation from Drs. Freeman and DiCiccio in addition to kind notes from coworkers. (Plf. Response to UMF Nos. 4-8, 12.) These arguments do not dispute the material fact of the complaints having been made regarding plaintiff in the workplace.

Plaintiff has raised a dispute as to defendant's denial of having been advised by plaintiff of a claimed disability and request for accommodation. (UMF No. 27.) Plaintiff has produced text messages communicating to Drs. Freeman and DiCiccio that she was unable to "get out of bed … or talk without breaking down" and Dr. Freeman later responded by setting an appointment for plaintiff with a therapist. (Plf. COE, Ex. 4, SIDHU-000166-167.) Liberally construing plaintiff's evidence opposing summary judgment supports finding there is a dispute as to whether plaintiff's mental health is a disability for which plaintiff sought accommodation. Although it appears the doctors did not interpret the messages as more than requesting a sick day, plaintiff offers her declaration and deposition testimony that she told them she was having intrusive thoughts and did not want to be alive. Defendant challenges the evidence offered as not substantial to support the denial of summary judgment and argues the overwhelming evidence supports finding plaintiff was fired for performance issues. The court does not weigh the credibility of the evidence before it in ruling on a motion for summary judgment. Plaintiff has met her burden in opposing summary judgment. As such, summary judgment is denied.

Defendant alternatively seeks summary adjudication of each cause of action and plaintiff's claim for punitive damages. Although defendant has made arguments in its memorandum specific to the elements of certain causes of action in the complaint and the claim for punitive damages, in the separate statement each request for summary adjudication is supported with reference to Undisputed Material Fact Nos. 1 through 27. As discussed above with respect to summary judgment, plaintiff has met her burden to demonstrate there is a dispute as to whether she had a disability and requested accommodation. (UMF No. 27.) As a result, the alternative requests for summary adjudication of issues 1 through 9 are also denied.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling
Issued By: lmg on 10-26-26.
(Judge's initials) (Date)